

**EIGHTY-FOURTH GENERAL ASSEMBLY
2011 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

MARCH 23, 2011

HOUSE FILE 500

H-1418

1 Amend House File 500 as follows:
2 1. Page 1, before line 1 by inserting:
3 <Section 1. Section 68B.32A, subsections 6, 9, 12,
4 and 19, Code 2011, are amended to read as follows:
5 6. Prepare and publish a manual setting forth
6 examples of approved uniform systems of accounts and
7 approved methods of disclosure for use by persons
8 required to file statements and reports under this
9 chapter, chapter 68A, and section 8.7. The board shall
10 also prepare and publish other educational materials,
11 and any other reports or materials deemed appropriate
12 by the board. The board shall annually provide all
13 officials and state employees with notification of the
14 contents of this chapter, chapter 68A, ~~and~~ section
15 8.7, and section 455B.103, subsection 1, paragraph
16 "d", by distributing copies of educational materials
17 to each agency of state government under the board's
18 jurisdiction.
19 9. Establish and impose penalties, and
20 recommendations for punishment of persons who are
21 subject to penalties of or punishment by the board or
22 by other bodies, for the failure to comply with the
23 requirements of this chapter, chapter 68A, ~~or~~ section
24 8.7, or section 455B.103, subsection 1, paragraph "d".
25 12. Establish a procedure for requesting and
26 issuing board advisory opinions to persons subject
27 to the authority of the board under this chapter,
28 chapter 68A, ~~or~~ section 8.7, or section 455B.103,
29 subsection 1, paragraph "d". Local officials and local
30 employees may also seek an advisory opinion concerning
31 the application of the applicable provisions of this
32 chapter. Advice contained in board advisory opinions
33 shall, if followed, constitute a defense to a complaint
34 alleging a violation of this chapter, chapter 68A,
35 section 8.7, section 455B.103, subsection 1, paragraph
36 "d", or rules of the board that is based on the same
37 facts and circumstances.
38 19. Impose penalties upon, or refer matters
39 relating to, persons who provide false information to
40 the board during a board investigation of a potential
41 violation of this chapter, chapter 68A, section 8.7,
42 section 455B.103, subsection 1, paragraph "d", or
43 rules of the board. The board shall adopt rules to
44 administer this subsection.
45 Sec. _____. Section 68B.32B, subsection 1, Code 2011,
46 is amended to read as follows:
47 1. Any person may file a complaint alleging that
48 a candidate, committee, person holding a state office
49 in the executive branch of state government, employee
50 of the executive branch of state government, or other

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1 person has committed a violation of chapter 68A or
2 rules adopted by the board. Any person may file
3 a complaint alleging that a person holding a state
4 office in the executive branch of state government, an
5 employee of the executive branch of state government,
6 or a lobbyist or a client of a lobbyist of the
7 executive branch of state government has committed
8 a violation of this chapter or rules adopted by the
9 board. Any person may file a complaint alleging a
10 violation of section 8.7 or rules adopted by the board.
11 Any person may file a complaint alleging a violation
12 of section 455B.103, subsection 1, paragraph "d". The
13 board shall prescribe and provide forms for purposes
14 of this subsection. A complaint must include the
15 name and address of the complainant, a statement of
16 the facts believed to be true that form the basis of
17 the complaint, including the sources of information
18 and approximate dates of the acts alleged, and a
19 certification by the complainant under penalty of
20 perjury that the facts stated to be true are true to
21 the best of the complainant's knowledge.

22 Sec. _____. Section 68B.32B, subsection 4, paragraph
23 a, Code 2011, is amended to read as follows:

24 a. Facts that would establish a violation of a
25 provision of this chapter, chapter 68A, section 8.7,
26 section 455B.103, subsection 1, paragraph "d", or rules
27 adopted by the board.

28 Sec. _____. Section 68B.32B, subsections 8 and 9,
29 Code 2011, are amended to read as follows:

30 8. The purpose of an investigation by the board's
31 staff is to determine whether there is probable cause
32 to believe that there has been a violation of this
33 chapter, chapter 68A, section 8.7, section 455B.103,
34 subsection 1, paragraph "d", or of rules adopted by the
35 board. To facilitate the conduct of investigations,
36 the board may issue and seek enforcement of subpoenas
37 requiring the attendance and testimony of witnesses and
38 subpoenas requiring the production of books, papers,
39 records, and other real evidence relating to the
40 matter under investigation. Upon the request of the
41 board, an appropriate county attorney or the attorney
42 general shall assist the staff of the board in its
43 investigation.

44 9. If the board determines on the basis of an
45 investigation by board staff that there is probable
46 cause to believe the existence of facts that would
47 establish a violation of this chapter, chapter 68A,
48 section 8.7, section 455B.103, subsection 1, paragraph
49 "d", or of rules adopted by the board, the board
50 may issue a statement of charges and notice of a

1 contested case proceeding to the complainant and to
2 the person who is the subject of the complaint, in
3 the manner provided for the issuance of statements of
4 charges under chapter 17A. If the board determines
5 on the basis of an investigation by staff that there
6 is no probable cause to believe that a violation has
7 occurred, the board shall close the investigation,
8 dismiss any related complaint, and the subject of the
9 complaint shall be notified of the dismissal. If the
10 investigation originated from a complaint filed by a
11 person other than the board, the person making the
12 complaint shall also be notified of the dismissal.

13 Sec. _____. Section 68B.32C, subsections 1 and 3,
14 Code 2011, are amended to read as follows:

15 1. Contested case proceedings initiated as a result
16 of the issuance of a statement of charges pursuant to
17 section 68B.32B, subsection 9, shall be conducted in
18 accordance with the requirements of chapter 17A. Clear
19 and convincing evidence shall be required to support
20 a finding that a person has violated this chapter,
21 section 8.7, section 455B.103, subsection 1, paragraph
22 "d", or any rules adopted by the board pursuant to
23 this chapter. A preponderance of the evidence shall
24 be required to support a finding that a person has
25 violated chapter 68A or any rules adopted by the board
26 pursuant to chapter 68A. The case in support of the
27 statement of charges shall be presented at the hearing
28 by one of the board's attorneys or staff unless, upon
29 the request of the board, the charges are prosecuted
30 by another legal counsel designated by the attorney
31 general. A person making a complaint under section
32 68B.32B, subsection 1, is not a party to contested case
33 proceedings conducted relating to allegations contained
34 in the complaint.

35 3. Upon a finding by the board that the party
36 charged has violated this chapter, chapter 68A, section
37 8.7, section 455B.103, subsection 1, paragraph "d",
38 or rules adopted by the board, the board may impose
39 any penalty provided for by section 68B.32D. Upon a
40 final decision of the board finding that the party
41 charged has not violated this chapter, chapter 68A,
42 section 8.7, section 455B.103, subsection 1, paragraph
43 "d", or the rules of the board, the complaint shall
44 be dismissed and the party charged and the original
45 complainant, if any, shall be notified.

46 Sec. _____. Section 68B.32D, subsection 1, unnumbered
47 paragraph 1, Code 2011, is amended to read as follows:

48 The board, after a hearing and upon a finding that a
49 violation of this chapter, chapter 68A, section 8.7,
50 section 455B.103, subsection 1, paragraph "d", or rules

1 adopted by the board has occurred, may do one or more
2 of the following:

3 Sec. _____. Section 68B.32D, subsection 1, paragraphs
4 c, d, and h, Code 2011, are amended to read as follows:

5 c. Issue an order requiring the violator to file
6 any report, statement, or other information as required
7 by this chapter, chapter 68A, section 8.7, section
8 455B.103, subsection 1, paragraph "d", or rules adopted
9 by the board.

10 d. Publicly reprimand the violator for violations
11 of this chapter, chapter 68A, section 8.7, section
12 455B.103, subsection 1, paragraph "d", or rules adopted
13 by the board in writing and provide a copy of the
14 reprimand to the violator's appointing authority.

15 h. Issue an order requiring the violator to pay a
16 civil penalty of not more than two thousand dollars for
17 each violation of this chapter, chapter 68A, section
18 8.7, section 455B.103, subsection 1, paragraph "d", or
19 rules adopted by the board.>

20 2. Page 3, after line 16 by inserting:

21 <d. Any oral, telephonic, or other undocumented
22 communication relating to the director's rulemaking
23 authority or the director's authority to establish
24 fees that includes the director, a person accountable
25 to the director, or a person to whom the director
26 is accountable shall be electronically recorded or
27 otherwise documented and made available to both the
28 commission and the public at no cost in a format easily
29 accessible to the general public. Such recordings and
30 all written communications or documentation relating
31 to these authorities are subject to chapter 22. A
32 person may file a complaint pursuant to section 68B.32B
33 alleging a violation of this paragraph.>

34 3. By renumbering as necessary.

By ISENHART of Dubuque

HOUSE FILE 590

H-1409

1 Amend House File 590 as follows:

2 1. By striking page 4, line 18, through page 5,
3 line 35, and inserting:

4 <a. The powers of the authority are vested in and
5 shall be exercised by a board consisting of fifteen
6 voting members appointed by the governor and seven ex
7 officio, nonvoting members.

8 b. (1) The ex officio, nonvoting members are four
9 legislative members; one president, or the president's
10 designee, of the university of northern Iowa, the
11 university of Iowa, or Iowa state university of
12 science and technology designated by the state board
13 of regents on a rotating basis; and one president,
14 or the president's designee, of a private college
15 or university appointed by the Iowa association
16 of independent colleges and universities; and one
17 president, or the president's designee, of a community
18 college, appointed by the Iowa association of community
19 college presidents.

20 (2) The legislative members are two state senators,
21 one appointed by the president of the senate after
22 consultation with the majority leader of the senate
23 and one appointed by the minority leader of the
24 senate from their respective parties; and two state
25 representatives, one appointed by the speaker and
26 one appointed by the minority leader of the house of
27 representatives from their respective parties.

28 c. Not more than eight of the voting members shall
29 be from the same political party. At least one voting
30 member shall have been less than thirty years of age
31 at the time of appointment.

32 d. The governor shall appoint the voting members of
33 the board to staggered terms of four years beginning
34 and ending as provided by section 69.19, subject
35 to confirmation by the senate, and the governor's
36 appointments shall include persons knowledgeable of the
37 various elements of the department's responsibilities.

38 e. Each of the following areas of expertise shall
39 be represented by at least one voting member of the
40 board who has professional experience in that area of
41 expertise:

- 42 (1) Finance, insurance, or investment banking.
- 43 (2) Advanced manufacturing.
- 44 (3) Statewide agriculture.
- 45 (4) Life sciences.
- 46 (5) Small business development.
- 47 (6) Information technology.
- 48 (7) Economics or alternative and renewable energy
- 49 including the alternative and renewable energy sectors
- 50 listed in section 476.42, subsection 1, paragraph "a".

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1 (8) Labor.

2 (9) Marketing.

3 (10) Entrepreneurship.

4 f. At least nine of the voting members of the board
5 shall be actively employed in the private, for-profit
6 sector of the economy.

7 2. A vacancy on the authority board shall be filled
8 in the same manner as regular appointments are made for
9 the unexpired portion of the regular term.

10 3. a. The authority board shall meet in May of
11 each year for the purpose of electing one of its voting
12 members as chairperson and one of its voting members
13 as vice chairperson. However, the chairperson and the
14 vice chairperson shall not be from the same political
15 party.

16 b. The authority board shall meet at the call of
17 the chairperson or when any eight voting members of the
18 board file a written request with the chairperson for a
19 meeting. Written notice of the time and place of each
20 meeting shall be given to each member of the authority
21 board.

22 c. A majority of the voting members constitutes a
23 quorum.

24 4. Members of the authority board, the director,
25 and other employees of the authority shall be allowed
26 their actual and necessary expenses incurred in the
27 performance of their duties. All expenses shall be
28 paid from appropriations for those purposes and the
29 department is subject to the budget requirements of
30 chapter 8. Each member of the authority board may
31 also be eligible to receive compensation as provided
32 in section 7E.6.

33 5. If a member of the authority board has an
34 interest, either direct or indirect, in a contract
35 to which the authority is or is to be a party, the
36 interest shall be disclosed to the board in writing and
37 shall be set forth in the minutes of a meeting of the
38 authority board. The member having the interest shall
39 not participate in action by the authority board with
40 respect to the contract.

41 6. As part of the organizational structure of the
42 authority, the authority board shall establish a due
43 diligence committee and a loan and credit guarantee
44 committee composed of members of the board. The
45 committees shall serve in an advisory capacity to
46 the authority board and shall carry out any duties
47 assigned by the authority board in relation to programs
48 administered by the authority. The loan and credit
49 guarantee committee shall advise the authority board on
50 the winding up of loan guarantees made under the loan

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1 and credit guarantee program established pursuant to
2 section 15E.224, Code 2009, and on the proper amount of
3 the allocation described in section 15G.111, subsection
4 4, paragraph "g".>

5 2. By renumbering as necessary.

By H. MILLER of Webster

H-1409 FILED MARCH 22, 2011

HOUSE FILE 590

H-1412

1 Amend House File 590 as follows:

2 1. Page 1, line 13, after <sector> by inserting
3 <that focuses on small businesses>

4 2. By renumbering as necessary.

By RUNNING-MARQUARDT of Linn

H-1412 FILED MARCH 22, 2011

HOUSE FILE 590

H-1414

1 Amend House File 590 as follows:

2 1. Page 21, lines 33 and 34, by striking
3 <performing delegated functions pursuant to section
4 15.107A> and inserting <all of its operations>

5 2. Page 22, by striking lines 4 through 7 and
6 inserting <activities during the prior fiscal year.>

7 3. Page 22, lines 14 and 15, by striking <that
8 pertain to the performance of delegated functions>

9 4. Page 22, lines 19 and 20, by striking <the
10 performance by the corporation of delegated functions>
11 and inserting <the operations and activities of the
12 corporation>

13 5. By renumbering as necessary.

By WILLEMS of Linn

H-1414 FILED MARCH 22, 2011

HOUSE FILE 590

H-1415

1 Amend House File 590 as follows:
2 1. Page 1, line 2, by striking <IOWA PARTNERSHIP
3 FOR ECONOMIC PROGRESS AND>
4 2. Page 1, by striking lines 14 through 16 and
5 inserting:
6 <2. The collaboration shall involve the economic
7 development authority and the economic development
8 corporation which shall work>
9 3. Page 1, by striking lines 32 and 33.
10 4. By striking page 2, line 10, through page 4,
11 line 9.
12 5. Page 10, by striking lines 30 through 32.
13 6. Page 19, by striking lines 5 through 7.
14 7. Page 22, before line 30 by inserting:
15 <Sec. _____. REPEAL. Sections 15.103 and 15.104,
16 Code 2011, are repealed.>
17 8. By renumbering as necessary.

By THOMAS of Clayton

H-1415 FILED MARCH 22, 2011

HOUSE FILE 590

H-1416

1 Amend House File 590 as follows:
2 1. Page 17, before line 9 by inserting:
3 <Sec. _____. NEW SECTION. 15.106E Corporation
4 restricted by rules.
5 The authority shall adopt rules that prevent
6 the corporation from engaging in favoritism and
7 pay-to-play tactics for companies doing business with
8 the corporation.>
9 2. By renumbering as necessary.

By THOMAS of Clayton

H-1416 FILED MARCH 22, 2011

HOUSE FILE 590

H-1428

1 Amend the amendment, H-1387, to House File 590 as
2 follows:

3 1. Page 1, line 4, after <j.> by inserting <(1)>

4 2. Page 1, after line 12 by inserting:

5 <(2) The authority shall not invest or deposit
6 moneys with any person or entity if the person, entity,
7 or any principal executive, director, or person with
8 more than a de minimis financial interest in the
9 entity has made contributions exceeding seven hundred
10 fifty dollars to a political or candidate's committee
11 as defined in section 68A.102 in any year during
12 the previous five full calendar years, or has made
13 an independent expenditure or contributed more than
14 seven hundred fifty dollars to a person who made an
15 independent expenditure as defined in section 68A.404,
16 subsection 1, in any year during the previous five
17 calendar years.

18 (3) For purposes of this paragraph:

19 (a) "Candidate's committee" means a committee for a
20 candidate for the Iowa general assembly or candidate
21 for a statewide office in Iowa.

22 (b) "Financial interest" does not include
23 nonexecutive employment by a person or entity.>

24 3. Page 1, line 14, after <(4)> by inserting <(a)>

25 4. Page 1, after line 22 by inserting:

26 <(b) The authority shall not enter into a
27 sole source procurement contract with a person or
28 an entity if the person, entity, or a principal
29 executive, director, or person with more than a de
30 minimis financial interest in the entity, has made
31 contributions exceeding seven hundred fifty dollars
32 to a political or candidate's committee as defined
33 in section 68A.102 in any year during the previous
34 five full calendar years, or has made an independent
35 expenditure or contributed more than seven hundred
36 fifty dollars to a person who made an independent
37 expenditure as defined in section 68A.404, subsection
38 1, in any year during the previous five calendar years.

39 (c) For purposes of this subparagraph:

40 (i) "Candidate's committee" means a committee for a
41 candidate for the Iowa general assembly or candidate
42 for a statewide office in Iowa.

43 (ii) "Financial interest" does not include
44 nonexecutive employment by a person or entity.>

45 5. By renumbering as necessary.

By ISENHART of Dubuque

H-1428 FILED MARCH 22, 2011

HOUSE FILE 590

H-1429

1 Amend House File 590 as follows:

2 1. Page 9, line 28, after <duties.> by inserting
3 <Committees or panels formed pursuant to this paragraph
4 shall be subject to the provisions of chapters 21 and
5 22.>

6 2. Page 27, line 21, after <~~independence~~> by
7 inserting <and the department of public safety>

8 3. By renumbering as necessary.

By ISENHART of Dubuque

H-1429 FILED MARCH 22, 2011

HOUSE FILE 590

H-1430

1 Amend House File 590 as follows:
2 1. Page 8, line 15, after <f.> by inserting <(1)>
3 2. Page 8, after line 27 by inserting:
4 <(2) If the authority enters into a contract
5 without competitive bidding, such a contract shall not
6 be entered into with a person or entity if that person
7 or entity, or any principal executive, director, or
8 person with more than a de minimis financial interest
9 in the entity, has made contributions exceeding seven
10 hundred fifty dollars to a political or candidate's
11 committee as defined in section 68A.102 in any year
12 during the previous five calendar years, or if the
13 person or entity has made an independent expenditure or
14 contributed more than seven hundred fifty dollars to a
15 person who made an independent expenditure as defined
16 in section 68A.404, subsection 1, in any year during
17 the previous five calendar years.
18 (3) For purposes of this paragraph:
19 (a) "Candidate's committee" means a committee for a
20 candidate for the Iowa general assembly or candidate
21 for a statewide office in Iowa.
22 (b) "Financial interest" does not include
23 non-executive employment by a person or entity.>
24 3. Page 8, line 28, after <g.> by inserting <(1)>
25 4. Page 8, after line 31 by inserting:
26 <(2) The authority shall not sell property without
27 public bidding to a person or entity if that person
28 or entity, or any principal executive, director, or
29 person with more than a de minimis financial interest
30 in the entity, has made contributions exceeding seven
31 hundred fifty dollars to a political or candidate's
32 committee as defined in section 68A.102 in any year
33 over the previous five full calendar years, or has made
34 an independent expenditure or contributed more than
35 seven hundred fifty dollars to a person who made an
36 independent expenditure as defined in section 68A.404,
37 subsection 1, in any year during the previous five
38 calendar years.
39 (3) For purposes of this paragraph, "candidate's
40 committee" and "financial interest" have the same
41 meaning as in paragraph "f".>
42 5. By renumbering as necessary.

By ISENHART of Dubuque

H-1430 FILED MARCH 22, 2011

HOUSE FILE 590

H-1432

1 Amend House File 590 as follows:

- 2 1. Page 6, by striking line 2 and inserting <to>
- 3 2. Page 8, by striking lines 1 and 2.
- 4 3. By striking page 8, line 35, through page 9,
- 5 line 3.
- 6 4. By striking page 12, line 30, through page 17,
- 7 line 8.
- 8 5. By renumbering, redesignating, and correcting
- 9 internal references as necessary.

By LUKAN of Dubuque

H-1432 FILED MARCH 22, 2011

HOUSE FILE 590

H-1433

1 Amend House File 590 as follows:

- 2 1. Page 12, after line 7 by inserting:
- 3 <2A. a. The director shall propose and the
- 4 authority shall adopt rules for the implementation of
- 5 this subsection.
- 6 b. The authority and the corporation shall not
- 7 provide financial assistance, enter into contracts,
- 8 or otherwise provide benefits to a person or entity
- 9 that has made an independent expenditure in a campaign
- 10 or that has contributed more than seven hundred fifty
- 11 dollars to a person who made an independent expenditure
- 12 as defined in section 68A.404, subsection 1, in any
- 13 year during the previous five calendar years.
- 14 c. The authority and the corporation shall not
- 15 provide financial assistance, enter into contracts,
- 16 or otherwise provide benefits to a person or entity
- 17 if that person or a principal executive, director, or
- 18 person with a direct financial interest in the entity,
- 19 has made contributions to a political candidate or
- 20 candidate's committee exceeding thresholds established
- 21 by rule.
- 22 d. For purposes of this subsection:
- 23 (1) "Campaign" means a campaign for the Iowa
- 24 general assembly or a candidate for statewide office
- 25 in Iowa.
- 26 (2) "Candidate's committee" means a committee for a
- 27 candidate for the Iowa general assembly or candidate
- 28 for a statewide office in Iowa.
- 29 (3) "Financial interest" does not include
- 30 nonexecutive employment by a person or entity.>
- 31 2. By renumbering as necessary.

By ISENHART of Dubuque

H-1433 FILED MARCH 22, 2011

HOUSE FILE 482

H-1408

1 Amend House File 482 as follows:

2 1. Page 2, by striking lines 12 through 16 and
3 inserting:

4 <NEW SUBSECTION. 19. The commissioner may propose
5 and promulgate administrative rules to effectuate the
6 insurance provisions of the federal Patient Protection
7 and Affordable Care Act, Pub. L. No. 111-148, as
8 amended by the federal Health Care and Education
9 Reconciliation Act of 2010, Pub. L. No. 111-152, and
10 any amendments thereto, or other applicable federal
11 law.>

12 2. Page 2, line 33, by striking <subsection 3, Code
13 2011, is> and inserting <subsections 3 and 4, Code
14 2011, are>

15 3. Page 3, line 6, by striking <or disapproval> and
16 inserting <~~or~~, disapproval, or modification>

17 4. Page 3, after line 7 by inserting:

18 <4. The consumer advocate shall present the public
19 testimony, if any, and public comments received for
20 consideration by the commissioner in determining
21 whether to approve, ~~or~~ disapprove, or modify such
22 health insurance rate increase proposals.>

23 5. Page 15, line 31, by striking <transactions,>
24 and inserting <transactions>

25 6. Page 15, line 33, by striking <transactions,>
26 and inserting <transactions>

27 7. Page 15, line 35, by striking <instruments
28 or securities> and inserting <instruments used or
29 securities pledged>

30 8. Page 16, line 2, by striking <of the applicable
31 collateral agreement> and inserting <the applicable
32 collateral>

33 9. Page 17, after line 3 by inserting:

34 <Sec. _____. Section 513B.2, subsection 18, Code
35 2011, is amended to read as follows:

36 18. "Small employer" means a person actively
37 engaged in business who, on at least fifty percent of
38 the employer's working days during the preceding year,
39 employed ~~not less than two~~ at least one and not more
40 than fifty full-time equivalent eligible employees. In
41 determining the number of eligible employees, companies
42 which are affiliated companies or which are eligible
43 to file a combined tax return for purposes of state
44 taxation are considered one employer.

45 Sec. _____. Section 514C.13, subsection 1, paragraph
46 j, Code 2011, is amended to read as follows:

47 j. "Small employer" means a person actively engaged
48 in business who, during at least fifty percent of the
49 employer's working days during the preceding calendar
50 year, employed ~~not less than two~~ at least one and not

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1 more than fifty full-time equivalent employees.>
2 10. Page 18, after line 19 by inserting:
3 <Sec. _____. Section 515.129A, subsection 1, Code
4 2011, is amended to read as follows:
5 1. A After a personal lines policy or contract
6 of insurance ~~which~~ has been in effect for ~~more than~~
7 sixty days or more, the policy or contract shall not be
8 canceled except by notice to the insured as provided
9 in this chapter.>
10 11. Page 18, by striking lines 22 and 23 and
11 inserting:
12 <1. a. Notwithstanding the provisions of ~~sections~~
13 ~~515.125 through 515.127~~ section 515.129A, a notice of>
14 12. Page 18, by striking lines 28 and 29 and
15 inserting <notwithstanding the provisions of ~~sections~~
16 ~~515.125 and 515.127~~ section 515.129A, at least ten days
17 prior to the date of cancellation.>
18 13. Page 19, line 14, by striking <~~515.128~~> and
19 inserting <_, 515.128>
20 14. Page 19, line 29, by striking <and> and
21 inserting <or>
22 15. Page 21, line 6, by striking <a> and inserting
23 <~~a~~ no>
24 16. Page 21, line 6, by striking <not> and
25 inserting <~~not~~>
26 17. Page 24, after line 14 by inserting:
27 <Sec. _____. REPEAL. Section 515.135, Code 2011, is
28 repealed.
29 Sec. _____. EFFECTIVE DATE. The following provision
30 or provisions of this Act take effect January 1, 2014:
31 1. The section of this Act amending section 513B.2,
32 subsection 18.
33 2. The section of this Act amending section
34 514C.13, subsection 1, paragraph "j".>
35 18. Title page, line 2, after <commerce> by
36 inserting <and including effective date provisions>
37 19. By renumbering as necessary.

By PETTENGILL of Benton

H-1408 FILED MARCH 22, 2011

HOUSE FILE 482

H-1419

1 Amend House File 482 as follows:
2 1. Page 23, line 19, by striking <apart from
3 commissions paid by an insurer>
By PETTENGILL of Benton

H-1419 FILED MARCH 22, 2011

HOUSE FILE 482

H-1434

1 Amend the amendment, H-1408, to House File 482 as
2 follows:
3 1. Page 2, after line 25 by inserting:
4 <____. Page 21, line 12, by striking <reasonable>
5 and inserting <reasonable>
6 _____. Page 21, line 13, after <any> by inserting
7 <reasonable>>

By PETTENGILL of Benton

H-1434 FILED MARCH 22, 2011

HOUSE FILE 561

H-1422

1 Amend House File 561 as follows:
2 1. Page 9, after line 23 by inserting:
3 <Sec. _____. Section 476A.6, Code 2011, is amended by
4 adding the following new subsection:
5 NEW SUBSECTION. 4. a. In the case of an
6 application to construct a nuclear generating facility,
7 the county electorate in the county within which
8 the facility is proposed to be located has approved
9 construction of the facility as provided in this
10 subsection. The board of supervisors, upon receipt of
11 a valid petition meeting the requirements of section
12 331.306, shall direct the commissioner of elections
13 to submit to the registered voters of the county a
14 proposition to approve or disapprove the construction
15 of a nuclear generating facility in the county. The
16 proposition shall be submitted at an election held on a
17 date specified in section 39.2, subsection 4, paragraph
18 "a". To be submitted at a general election, the
19 petition must be received by the board of supervisors
20 at least five working days before the last day for
21 candidates for county offices to file nomination
22 papers for the general election pursuant to section
23 44.4. If a majority of the county voters voting on
24 the proposition favor construction of such a facility,
25 and all other applicable requirements are met, a
26 certificate shall be issued. If a majority of the
27 county voters voting on the proposition do not favor
28 construction, a certificate shall not be issued.
29 b. After a referendum has been held which defeated
30 a proposal to construct a nuclear generating facility
31 as provided in this subsection, another referendum on a
32 proposal to construct such a facility shall not be held
33 for at least eight years.>
34 2. By renumbering as necessary.

By KELLEY of Jasper	WINCKLER of Scott
THEDE of Scott	LENSING of Johnson
WESSEL-KROESCHELL of Story	STECKMAN of Cerro Gordo
GAINES of Polk	ISENHART of Dubuque

H-1422 FILED MARCH 22, 2011

HOUSE FILE 597

H-1407

- 1 Amend House File 597 as follows:
2 1. Page 8, line 19, by striking <and> and inserting
3 <the covered person may file a request for external
4 review pursuant to section 514J.109. In addition, if>
5 2. Page 8, line 26, after <review> by inserting
6 <pursuant to section 514J.109, subsection 18>

By PETTENGILL of Benton

H-1407 FILED MARCH 22, 2011

HOUSE FILE 603

H-1413

- 1 Amend the amendment, H-1406, to House File 603 as
2 follows:
3 1. Page 1, by striking lines 31 through 36 and
4 inserting <engineers may, if appropriate, employ
5 standards or guidelines other than the guidelines
6 of the United States natural resource conservation
7 service when determining the number of acres justified
8 as reasonable and necessary for a surface drinking
9 water source. The data and information used by the
10 registered professional engineers shall>
11 2. Page 1, line 49, before <engineer> by inserting
12 <registered professional>
13 3. By renumbering as necessary.

By KAUFMANN of Cedar

H-1413 FILED MARCH 22, 2011

HOUSE FILE 603

H-1420

- 1 Amend the amendment, H-1406, to House File 603 as
2 follows:
3 1. Page 2, by striking lines 18 through 30.
4 2. Page 2, line 31, by striking <19> and inserting
5 <6>
6 3. By renumbering as necessary.

By KAUFMANN of Cedar

H-1420 FILED MARCH 22, 2011

HOUSE FILE 613

H-1423

1 Amend House File 613 as follows:

2 1. Page 1, line 3, before <A> by inserting <a.>

3 2. Page 1, after line 9 by inserting:

4 <b. Notwithstanding paragraph "a", a county may
5 adopt or enforce any ordinance that:

6 (1) Requires the registration of rental properties
7 for inspection and licensing based upon general life
8 safety, mechanical, or electrical requirements. The
9 costs of such registration or inspection shall not
10 exceed the actual cost to the county. Registration or
11 inspection may only occur when:

12 (a) A rental property has never been previously
13 rented.

14 (b) The rental license for a rental property has
15 expired.

16 (c) There is a transfer of ownership of the rental
17 property.

18 (d) There is a need to inspect and certify a cure
19 of a defect related to a prior inspection.

20 (2) Regulates zoning related to new construction.

21 (3) Relates to the density of rental properties
22 that are vacant at the time that such an ordinance is
23 adopted or enforced.

24 (4) Requires the registration of rental properties
25 in instances where the rental property owner receives
26 moneys pursuant to or related to any federal, state, or
27 local program.>

28 3. Page 1, line 12, before <A> by inserting <a.>

29 4. Page 1, after line 18 by inserting:

30 <b. Notwithstanding paragraph "a", a city may
31 adopt or enforce any ordinance that:

32 (1) Requires the registration of rental properties
33 for inspection and licensing based upon general life
34 safety, mechanical, or electrical requirements. The
35 costs of such registration or inspection shall not
36 exceed the actual cost to the city. Registration or
37 inspection may only occur when:

38 (a) A rental property has never been previously
39 rented.

40 (b) The rental license for a rental property has
41 expired.

42 (c) There is a transfer of ownership of the rental
43 property.

44 (d) There is a need to inspect and certify a cure
45 of a defect related to a prior inspection.

46 (2) Regulates zoning related to new construction.

47 (3) Relates to the density of rental properties
48 that are vacant at the time that such an ordinance is
49 adopted or enforced.

50 (4) Requires the registration of rental properties

H-1423

H-1423

Page 2

1 in instances where the rental property owner receives
2 moneys pursuant to or related to any federal, state, or
3 local program.>

4 5. By renumbering as necessary.

By WAGNER of Linn

H-1423 FILED MARCH 22, 2011

HOUSE FILE 623

H-1410

1 Amend House File 623 as follows:

2 1. Page 1, by striking lines 22 through 24 and
3 inserting:

4 <b. The department shall terminate an individual's
5 eligibility following a twelve-month period of
6 suspension of the individual's eligibility under
7 paragraph "a".>

8 2. Page 2, by striking lines 2 through 25 and
9 inserting:

10 <Sec. _____. IMPLEMENTATION. The department of human
11 services shall do all of the following:

12 1. Request any waiver or approval necessary from
13 the centers for Medicare and Medicaid services of the
14 United States department of health and human services
15 to provide for the delay in suspension of eligibility
16 as provided in this Act beginning January 1, 2012. The
17 department shall implement the delay period to the
18 maximum extent of the federal approval.

19 2. Develop a process for suspension of medical
20 assistance eligibility for individuals as specified in
21 this Act beginning January 1, 2012.

22 3. Incorporate provisions for suspension and
23 termination of medical assistance eligibility for
24 inmates of public institutions within any future
25 redesign of the medical assistance program eligibility
26 information management system.>

27 3. By renumbering as necessary.

By HEDDENS of Story

H-1410 FILED MARCH 22, 2011

HOUSE FILE 646

H-1424

1 Amend House File 646 as follows:

2 1. Page 2, after line 28 by inserting:

3 <3. For the fiscal year beginning July 1, 2011,
4 and ending June 30, 2012, there is appropriated from
5 the IowaAccess revolving fund, to the office of the
6 secretary of state \$75,000 for costs associated with
7 decennial redistricting.>

8 2. Page 14, by striking lines 9 and 10.

9 3. By renumbering, redesignating, and correcting
10 internal references as necessary.

By GASKILL of Wapello

H-1424 FILED MARCH 22, 2011

HOUSE FILE 646

H-1425

1 Amend House File 646 as follows:

2 1. Page 15, after line 23 by inserting:

3 <Sec. _____. FINANCIAL PROCESSES ---- REVIEW.

4 1. The department of administrative services, in
5 consultation with the department of management, shall
6 implement and administer a procedure for reviewing
7 the financial processes of each state agency. The
8 financial processes to be reviewed include accounting
9 and servicing claims, timely payments of vendors,
10 settlement of payment disputes, and reduction of errors
11 in the claims process. The reviews shall be completed
12 in an expedited manner. At the completion of the
13 review of each agency, the department of administrative
14 services shall submit a report to the general assembly
15 regarding the findings and recommendations of the
16 department.

17 2. The department of human services shall be
18 the first department reviewed by the department of
19 administrative services. The review of the department
20 of human services shall be completed by September 1,
21 2011.>

22 2. By renumbering as necessary.

By GASKILL of Wapello

H-1425 FILED MARCH 22, 2011

HOUSE FILE 646

H-1426

1 Amend House File 646 as follows:

2 1. Page 22, after line 25 by inserting:

3 <Sec. _____. Section 137F.3, subsection 5, Code 2011,
4 is amended to read as follows:

5 5. The director shall monitor municipal
6 corporations which have entered into an agreement
7 pursuant to this section to determine if they are
8 enforcing this chapter within their respective
9 jurisdictions. ~~If the director determines that this~~
10 ~~chapter is not enforced by a municipal corporation, the~~
11 ~~director may rescind the agreement after reasonable~~
12 ~~notice and an opportunity for a hearing. An agreement~~
13 ~~may be rescinded by the director only if the director~~
14 ~~determines and documents that this chapter is not being~~
15 ~~enforced by the municipal corporation or the municipal~~
16 ~~corporation is not in compliance with the terms of~~
17 ~~the agreement. Financial savings to the department~~
18 ~~or any reason other than the failure on the part of a~~
19 ~~municipal corporation to enforce this chapter or comply~~
20 ~~with the terms of the agreement shall not constitute~~
21 ~~sufficient cause for rescision. If the agreement is~~
22 ~~rescinded for failure to enforce or failure to comply~~
23 ~~pursuant to this subsection, the director shall assume~~
24 responsibility for enforcement in the jurisdiction
25 involved.>

26 2. By renumbering as necessary.

By HEDDENS of Story

WESSEL-KROESCHELL of Story

H-1426 FILED MARCH 22, 2011

HOUSE FILE 646

H-1427

1 Amend House File 646 as follows:

2 1. Page 22, after line 25 by inserting:

3 <Sec. _____. Section 137F.3, subsection 5, Code 2011,
4 is amended to read as follows:

5 5. a. The director shall monitor municipal
6 corporations which have entered into an agreement
7 pursuant to this section to determine if they are
8 enforcing this chapter within their respective
9 jurisdictions. If the director determines that this
10 chapter is not enforced by a municipal corporation, the
11 director may rescind the agreement after reasonable
12 notice and an opportunity for a hearing. If the
13 agreement is rescinded, the director shall assume
14 responsibility for enforcement in the jurisdiction
15 involved.

16 b. With respect to a municipal corporation
17 consisting of a city with a population of not less than
18 58,900 or more than 59,000 as of the 2010 decennial
19 federal census, financial savings to the department or
20 any reason other than the failure on the part of the
21 municipal corporation to enforce this chapter or comply
22 with the terms of the agreement shall not constitute
23 sufficient cause for rescision.>

By HEDDENS of Story

WESSEL-KROESCHELL of Story

H-1427 FILED MARCH 22, 2011

HOUSE FILE 649

H-1417

1 Amend House File 649 as follows:

2 1. Page 13, line 26, by striking <8,952,151> and
3 inserting <10,208,700>

4 2. Page 72, by striking lines 20 through 32.

5 3. By renumbering as necessary.

By M. SMITH of Marshall

H-1417 FILED MARCH 22, 2011

SENATE FILE 7

H-1421

1 Amend the amendment, H-1404, to Senate File 7, as
2 passed by the Senate, as follows:
3 1. Page 1, by striking lines 12 through 16 and
4 inserting <is powered by a motor of ten horsepower or
5 more which is running, and when used in reference to
6 a sailboat, means the sailboat is either powered by a
7 motor of ten horsepower or more which is running, or
8 has sails hoisted and is not propelled by a motor, and
9 is under>
10 2. Page 1, by striking lines 21 and 22 and
11 inserting:
12 <NEW SUBSECTION. 14. A peace officer shall not>
13 3. By renumbering as necessary.

By R. OLSON of Polk
HORBACH of Tama

H-1421 FILED MARCH 22, 2011

SENATE FILE 7

H-1431

1 Amend the amendment, H-1404, to Senate File 7, as
2 passed by the Senate, as follows:
3 1. Page 1, by striking lines 12 through 27 and
4 inserting <is powered by a motor which is running,
5 and when used in reference to a sailboat, means the
6 sailboat is either powered by a motor which is running,
7 or has sails hoisted and is not propelled by a motor,
8 and is under way.>
9 2. By renumbering as necessary.

By R. OLSON of Polk
HORBACH of Tama

H-1431 FILED MARCH 22, 2011

SENATE FILE 130

H-1435

1 Amend Senate File 130, as passed by the Senate, as
2 follows:
3 1. By striking everything after the enacting clause
4 and inserting:
5 <Section 1. Section 481A.48, subsection 1, Code
6 2011, is amended to read as follows:
7 1. ~~No~~ A person, except as otherwise provided by
8 law, shall not willfully disturb, pursue, shoot, kill,
9 take or attempt to take or have in possession any of
10 the following game birds or animals except within the
11 open season established by the commission: Gray or fox
12 squirrel, bobwhite quail, cottontail or jackrabbit,
13 duck, snipe, pheasant, goose, woodcock, partridge,
14 mourning dove, coot, rail, ruffed grouse, wild
15 turkey, pigeons, or deer. The seasons, bag limits,
16 possession limits, and locality shall be established
17 by the department or commission under the authority of
18 sections 456A.24, 481A.38, and 481A.39.>
19 2. Title page, line 1, by striking <raccoon> and
20 inserting <mourning dove>

By ARNOLD of Lucas

H-1435 FILED MARCH 22, 2011

SENATE FILE 361

H-1411

1 Amend Senate File 361, as passed by the Senate, as
2 follows:
3 1. Page 3, after line 35 by inserting:
4 <____. The Iowa state fair board shall submit the
5 annual audit report, prepared pursuant to subsection
6 2, to the legislative services agency and the general
7 assembly's standing committees on government oversight
8 as required by committees. The board shall redact any
9 information which identifies a donor.>
10 2. By renumbering as necessary.

By COWNIE of Polk

H-1411 FILED MARCH 22, 2011



HF 590 – Iowa Partnership for Economic Progress (LSB 2042HV)
Analyst: Kenneth Ohms (Phone: (515) 725-2200) (kenneth.ohms@legis.state.ia.us)
Fiscal Note Version – New

Description

House File 590 replaces the Department of Economic Development (DED) with the newly created Iowa Partnership for Economic Progress (IPEP), consisting of an advisory board, an authority, and a nonprofit corporation.

The Partnership for Economic Progress is a seven-member advisory board.

- The Board is chaired by the Governor or Lieutenant Governor.
- Members are appointed by the Governor and subject to confirmation by the Senate.
- Board members are appointed for staggered two-year terms.
- Mandated to meet at least quarterly.
- Mandated to develop a strategic vision for economic development in Iowa.

Major changes from the DED to the Economic Development Authority include:

- The Authority's Board consists of nine voting members. The current Board for the DED consists of fifteen voting members.
- The Board appoints the Director of the Authority and is not subject to confirmation by the Senate.
- The Authority is directed to form a nonprofit corporation.
- The Authority may delegate duties to the Economic Development Corporation for specific services. The Bill specifies that compensation for all services will be at "fair market value."
- The Director of the Authority must classify and fix the compensation of identified key personnel outside of the current employee classification system. The Director cannot designate more than five employees as key personnel.
- The Bill gives the Authority the power to sell bonds. The types of bonds sold are not specified in the Bill; however, one possibility is Industrial Revenue Bonds (IRBs). Currently, IRBs are issued by cities, counties, and the Iowa Finance Authority (IFA). Other possible bonds that could be issued by the Authority include 501(c)(3) Hospital Revenue Bonds or any disaster bonds that are created.
- If the Economic Development Authority sold IRBs in a manner similar to the Iowa Finance Authority they could expect the following results:
 - Application and closing fees for all conduit bonds the IFA has issued from FY 2008 to FY 2011 year-to-date have averaged \$153,000.
 - The IFA fee for allocations of private activity bond cap is 2 basis points (0.02%). If \$50.0 million of cap is allocated to projects, this would generate \$10,000.
 - The IFA charges a closing fee for conduit bond issues. For \$50.0 million of IRBs, at 10 basis points (0.10%), closing fees of \$50,000 will be generated.
 - When IFA is the issuer for conduit bonds, legal counsel costs are paid by the entity issuing the bonds.
- All employees of the DED will transfer to the Authority without the loss of years of service and other state employee benefits.
- The Iowa Office of Energy Independence (OEI) will integrate into the Economic Development Authority.

- All funds, programs, contracts, and licenses will transfer to the Authority.
- The 25.77 federally-funded FTE positions will transfer to the Authority.
- The 0.90 FTE position funded by the Building Energy Management Fund will transfer to the Authority.
- The 4.0 FTE positions authorized for Power Fund administration will be eliminated. The titles of these four positions are Director, Deputy Director, Executive Secretary, and Executive Officer 2. Only the Deputy Director and Executive Secretary positions are currently filled.

The Economic Development Corporation:

- Is created by the Economic Development Authority qualifying under section 501(c)(3) of the Internal Revenue Code.
- Receives no appropriations from the General Assembly.
- Will be governed by the articles for incorporation that are created for its internal structure and management.
- Will submit an annual report to the Governor, General Assembly, and Auditor of the State pertaining to the operations and activities that have been delegated to it by the Authority.

The Bill also does the following:

- Renames the Grow Iowa Values Fund the Economic Development Fund.
- The Authority assumes the administration of the Iowa Commission on Volunteer Service from the Governor's Office.
- Eliminates the Iowa Code authority that authorizes the current Iowa Department of Economic Development Foundation.

Assumptions

- The Department is expected to use current resources to make the transition to the Authority.
- All employees (except 4.0 FTE positions authorized for the Power Fund), funds, contracts, rules, and licenses, transfer from the DED or OEI to the newly created Economic Development Authority.
- The Director's designation of key personnel is subject to change.
- All accounts, funds, and FTE positions for the Iowa Commission on Volunteer Service in the Governor's Office will be transferred to the Authority.

Fiscal Impact

The table below represents the total resources and expenditures of the current Department of Economic Development.

Department of Economic Development Resources and Expenditures			
	Actual	Estimated	
	FY 2010	FY 2011	
Appropriations			
General Fund	\$ 14,017,679	\$ 12,715,422	
Other Fund	36,324,000	83,265,000	
Other Receipts¹	290,172,672	203,120,550	
Other Resources	207,722,279	170,654,715	
Total Resources	\$ 548,236,630	\$ 469,755,687	
Disposition of Resources			
Expenditures	\$ 371,708,686	\$ 310,784,917	
Other Dispositions ^{1,2}	176,527,943	158,954,862	
Total Dispositions	\$ 548,236,629	\$ 469,739,779	

¹ Due to the limitation of the State Budget System, the data above double accounts resources and expenditures when transfers take place within the agency.

² Other Dispositions includes transfers, balance carry forwards, reversions, etc.

The table below reflects the current FTE positions for the Department of Economic Development and the proposed transition under HF 590.

Transition of FTE positions for HF 590				
	Actual	Actual	Estimated	HF 590
	FY 2009	FY 2010	FY 2011 ¹	(FY 2012)
Department of Economic Development	142.81	117.33	139.95	0
Governor's Office-Statewide Volunteer Program	2.01	1.95	2.00	0
Office of Energy Independence	4.81	18.55	29.77	0
Economic Development Authority	-	-	-	171.72
Total	149.63	137.83	171.72	171.72

¹ Estimated FY 2011 FTE positions are current department estimates and are likely to change before the close of the fiscal year.

Additional information on the DED's current budget is available from the LSA upon request.

The following are partial fiscal impacts of HF 590:

- Supporting the new Partnership for Economic Progress Advisory Board will require a minimal annual increase in costs.
- The cost of supporting the smaller Authority Board will provide minimal annual savings compared to the current size and budget of the DED Board.
- The one-time costs associated with creating new logos, updating websites, and attorney fees associated with filing new trademarks is expected to range from \$80,000 to \$100,000.
- There will be minimal one-time costs for fees associated with the establishment of the nonprofit corporation that will require a one-time increased expense.

- In FY 2010, the Iowa Department of Economic Development Foundation received \$817,000 in private donations. However, it cannot be determined if donors will continue to give these donations to the new Corporation.
- The transfer of the Iowa Commission on Volunteer Service from the Governor's Office to the Economic Development Authority will have a minimal fiscal impact.

The complete fiscal impact of [HF 590](#) cannot be determined for the following reasons:

- The amount of revenue generated by any fees that the Authority may charge cannot be determined due to lack of information.
- The services and contract amount between the Authority and the Corporation is unknown.
- If the Authority chooses to sell bonds, the type, amount, and start date for any possible bond sales are unknown.
- It is unknown how the Director will utilize the key personnel designation.
- Additional legal counsel services may be necessary to draft the articles of incorporation for the Economic Development Corporation.
- It is unknown if the Authority will use their existing authorized FTE positions to transfer the remaining 2.0 FTE positions for administration of the Power Fund. If the Authority does this, there will be an increased annual cost of \$214,000. The Authority will need to identify funding for these positions.

Sources

Department of Economic Development
Department of Management
Iowa Finance Authority
Legislative Services Agency Analysis

/s/ Holly M. Lyons

March 22, 2011

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to Code [Section 2.56](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division



HF 473 – Contractor Reciprocal Preference (LSB 1989HV)
Analyst: Kenneth Ohms (Phone: 515-725-2200) (kenneth.ohms@legis.state.ia.us)
Fiscal Note Version – New
Requested by Representative Patrick Murphy

Description

House File 473 makes changes to the bidding and contracting definitions and process for public improvements, public works, and public road projects. In terms of fiscal impact, the Bill defines specific duties regarding administration and enforcement that are assigned to the Labor Commissioner of the Department of Workforce Development (IWD).

Assumptions

- The IWD estimates the addition of the following staff at a cost of \$121,000 in FY 2012 and \$144,000 in FY 2013:
 - One Field Auditor (1.0 FTE)
 - One Attorney II (0.5 FTE)
 - One Secretary I (0.5 FTE)
- The IWD estimates the need for capital outlays of \$40,000 for FY 2012 and \$10,000 for FY 2013.
- Any fines collected by the IWD will be deposited in the General Fund. However, it is not possible to predict the number or total dollar amount of fines collected.

Fiscal Impact

House File 473 will result in estimated increased General Fund expenditures for the IWD of \$161,000 for FY 2012 and \$154,000 for FY 2013.

Source

Department of Workforce Development

/s/ Holly M. Lyons

March 22, 2011

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to Code [Section 2.56](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division



HF 603 – Eminent Domain Omnibus (LSB 1659HV)
Analyst: Debra Kozel (Phone: 515-281-6767) (deb.kozel@legis.state.ia.us)
Fiscal Note Version – New

Description

House File 603 makes changes related to acquisition of property using eminent domain as outlined in Code Chapters 6A and 6B.

Background

Eminent domain is used to obtain private land for public projects such as highways, utilities, or sewer systems.

Assumptions

The following changes in the Bill could result in a fiscal impact:

- The authorization by the Governor for private property condemnations by the State that exceed 500 acres would increase the time needed to negotiate an eminent domain project.
- The addition of members from contiguous counties for County Compensation Commissions and the requirement they meet in open sessions may increase the time needed to negotiate an eminent domain project.
- The authorization by vote of two-thirds of each chamber in the General Assembly and the Governor's signature to condemn property on the State Register of Historic Places may increase the time for negotiating an eminent domain project.
- Prohibits the Department of Natural Resources (DNR) from using eminent domain to obtain property from willing sellers. This change will eliminate the ability of willing sellers to defer payment of federal capital gains tax under Internal Revenue Code Section 1033.
- Payment to a person or a business if relocation is not economically feasible will increase costs for an eminent domain project.
- Reimbursement to the landowner for attorney fees up to \$100,000 for a lake creation project that uses condemnation would increase costs for an eminent domain project.

Fiscal Impact

The fiscal impact cannot be determined because the number of future eminent domain projects is unknown. However, the changes in the Bill could increase the costs for property acquisition.

Sources

Department of Cultural Affairs
Department of Natural Resources
Department of Transportation
Iowa State Association of Counties

/s/ Holly M. Lyons

March 22, 2011

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to Code [Section 2.56](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
